

REMARKS

At the time the Office Action issued, claims 1 – 14 were pending. In the Office Action mailed June 28, the Examiner rejected claims 1-6 under 35 USC § 102(e) as anticipated by US Patent 4,823,892 to Fuller and refused to consider the balance of the claims because they were in improper dependent form.

Claim Objections

In the present Response, Applicants have made the same amendments that were submitted in the Preliminary Amendment that was filed with the application but not entered because of a missing page. Among other things, these amendments correct the improper dependency of the claims. Applicants therefore request that claims 6-20 now be considered.

Claim rejections under 35 USC § 102

Independent Claim 1

In support of the rejection of claims 1-6, the Examiner asserts that Fuller discloses a bit meeting the limitations of claim 1. Attorney for Applicant respectfully disagrees. Whereas claim 1 recites “a percussion drill bit,” Fuller relates to a rotary drill bit. The differences between rotary and percussion bits are well known and the two are not interchangeable. Thus, Fuller does not disclose a bit within the scope of claim 1.

Reconsideration of the rejection of claim 1 and the claims that depend from it is therefore respectfully requested.

Independent Claims 13 and 14

Claims 13 and 14 have been amended so that they are now independent. Each requires, in addition to the elements of claim 1, first and second drive means, which rotate and reciprocate the bit, respectively. Because Fuller is directed to a rotary drill bit, Fuller does not teach or suggest the use of reciprocating drive means. Further, because Fuller specifically teaches the use of shear and abrasion, for which his cutting elements are designed, it would not be obvious to modify Fuller to include any

reciprocating (percussive) operation. Therefore, Applicant respectfully submits that claims 13 and 14 and the claims that depend from them are allowable.

Concluding remarks

Attorney believes that each grounds for objection and rejection has been addressed. Attorney respectfully submits that the claims are in a state ready for allowance, and as such prompt issuance of a Notice of Allowance is respectfully requested.

In the event the Examiner has any questions or issues regarding the present application, the Examiner is invited to telephone the undersigned prior to the issuance of any written action.

Respectfully submitted,
Antonio M. G. L. Cruz

P.O. Box 2463
Houston, Texas 77252-2463

By /Marcella D. Watkins/
Attorney, Marcella D. Watkins
Registration No. 36,962
(713) 241-1041